

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRIAN A. CLARKE ET AL.,

Plaintiffs,

-v-

CITY OF NEW YORK,

Defendant.

23 Civ. 2158 (PAE)
ORDER

PAUL A. ENGELMAYER, District Judge:

On March 5, 2024, the parties wrote to Magistrate Judge Stein, to whom this case was referred for settlement, asking that the settlement conference scheduled for March 13, 2024 be adjourned because they have reached a settlement in principle. Dkt. 32. Judge Stein granted the adjournment request. Dkt. 33. The parties also indicated that they planned to submit a written settlement agreement by March 29, 2024, for the Court's approval pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2105). In light of the impending settlement, the Court hereby adjourns *sine die* the case management conference scheduled before this Court for March 13, 2024, at 10 a.m. See Dkt. 21.

Given Judge Stein's integral role in facilitating the settlement in this case, the Court also encourages the parties to discuss whether they are willing to consent, under 28 U.S.C. § 636(c), to conducting all further proceedings before Magistrate Judge Stein. Should the parties elect this option, Judge Stein would resolve the application for approval under *Cheeks*, rather than recommending a decision to this Court in a Report and Recommendation. Judge Stein would also resolve any additional legal questions that may arise in the case. Any appeal from Judge Stein's rulings following consent would be directly to the United States Court of Appeals for the Second Circuit in the same way that an appeal from a District Judge's decision would be taken.

If both parties consent to proceed before Judge Stein, counsel for the defendant should either email directly or file on ECF a fully executed Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form, a copy of which is attached to this order (and also available at <https://www.nysd.uscourts.gov/forms/consent-proceed-us-magistrate-judge>). The parties are free to withhold consent without negative consequences.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: March 6, 2024
New York, New York

UNITED STATES DISTRICT COURT
 for the
 Southern District of New York

<i>Plaintiff</i>)	
v.)	Civil Action No.
<i>Defendant</i>)	

NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's authority. The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

Printed names of parties and attorneys

Signatures of parties or attorneys

Dates

Reference Order

IT IS ORDERED: This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: _____

District Judge's signature

Paul A. Engelmayer, U.S. District Judge

Printed name and title

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.